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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, September 10, 2015 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	October 8, 2015

MEMBERS PRESENT

Jason Giles, Professional Member, Vice Chairman
Lynnette Scott, Professional Member, Secretary
Andrew Staton, Professional Member (left at 11:00 a.m.)
Michael Harrington, Sr., Professional Member
Lynn Rogers, Public Member
Lynne Newlin, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Gayle MacAfee, Deputy Director
Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

Joseph F. McCann, Public Member
Justin Healy, Professional Member, Chairman
Curtis Rogers, Public Member

ALSO PRESENT

Michael Conlon
JT Takacs, eXp
George Cole
Charles Lax
Angela Emerson, SCAOR

CALL TO ORDER

Mr. Giles called the meeting to order at 9:04 a.m.

REVIEW OF MINUTES

Mr. Staton made a motion, seconded by Mr. Harrington, to approve the minutes of the meeting held on August 13, 2015. By majority vote, the motion carried with Ms. Newlin abstaining.

NEW BUSINESS

Propose to Deny Hearing – Michael Conlon

Minutes for the hearing are at the bottom of the page.

Disciplinary Hearing – Stephen Quinn – Hearing Cancelled: Review of Consent

Ms. Kelly stated that the Consent for Mr. Quinn has not been submitted to the Commission for review at this time.

Discussion and Review of Hearing Officers Recommendations

Christopher Carr – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. After discussion, Mr. L. Rogers made a motion, seconded by Mr. Staton, to accept the Hearing Officer's recommendation. By unanimous vote, the motion carried.

George Cole, Jr. – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. L. Rogers describing the sanctions. Mr. Cole Jr. was present for the Commission meeting. Mr. Cole offered comments and the Commission asked Mr. Cole questions. After discussion, Mr. Staton made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation with amendment to add a 14 day suspension for falsely attesting. By unanimous vote, the motion carried.

Stephen Crifasi, Jr. – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Diana Gillig – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Staton describing the sanctions. After discussion, Mr. Staton made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Kim Harris – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Ms. Scott made a motion, seconded by Mr. Staton, to accept the Hearing Officer's recommendation with an amendment of a 14 day suspension. By unanimous vote, the motion carried.

Diane Holtan – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Scott describing the sanctions. After discussion, Ms. Scott made a motion, seconded by Mr. L. Rogers, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Henry Renaud – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Mr. Harrington made a motion, seconded by Ms. Newlin, to accept the Hearing Officer's recommendation as written. By majority vote, the motion carried with Mr. L. Rogers leaving the meeting at 10:16 a.m.

Mr. L. Rogers returned to the meeting at 10:18 a.m.

Devin Scott – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Mr. Harrington describing the sanctions. After discussion, Mr. Harrington made a

motion, seconded by Mr. Staton, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Nicholas Theofiles – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Newlin describing the sanctions. After discussion, Ms. Newlin made a motion, seconded by Ms. Scott, to accept the Hearing Officer's recommendation with an amendment to add 14 day suspension. By unanimous vote, the motion carried.

Priscilla Williams – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Newlin describing the sanctions. After discussion, Ms. Newlin made a motion, seconded by Mr. Harrington, to accept the Hearing Officer's recommendation as written. By unanimous vote, the motion carried.

Education Committee Report

Ms. Williams went through the Education Committee minutes with the Commission. They reviewed twenty-eight new course provider applications of which twenty-five were approved, one was approved with modifications, and two were denied. They reviewed six instructor applications of which two were approved with modifications.

Ms. Williams stated that Ms. Kalvinsky attended and addressed the Committee regarding the correspondence that she previously submitted regarding the allocation of hours for the pre-licensing and broker's course. Ms. Kalvinsky requested that the Committee consider recommending to the Commission, that the allocation of hours for the Broker's Course be removed. Ms. Kalvinsky felt the hours are not conducive and that currently there are 3 hours designated for math and that math is the weakest area in Real Estate. Ms. Kalvinsky is suggesting that the hours for the broker's course be changed or have a separate broker's exam. The broker's exam now is similar to the pre-licensing exam with the exception of a few questions pertaining to brokers.

The Committee will be working on a solution to bring to the Commission on this issue.

The Committee welcomed two new Committee members to the Real Estate Education Committee to fulfill the vacancies.

Ms. Williams stated that the Committee members were tasked with coming up with guidelines for online pre-licensing and Ms. Williams let the Commission know that the majority of the Committee members were not in favor of having the salesperson pre-licensing course online. Ms. Williams did reach out to the CE Shop to see how an online pre-licensing course works and is trying to get test logins so that the Committee members could test and see how it works. Ms. Williams is waiting on the CE Shop to get back with her. One of the Commission members asked why some of the Committee members were opposed to having an online pre-licensing course. Ms. Williams said that some members thought that it would be below standards to have an online pre-licensing course and not in a classroom. The Commission stated that taking an online pre-licensing course would be a personal option depending on the way a person learns.

Ms. Williams stated that the Committee is looking at a variety of options such as taking some in class and some online. Ms. Williams tried to explain that some jurisdictions require some online and some classroom. The Commission stated that the Committee was tasked with developing regulations for online pre-licensing courses with no other options.

Ms. Williams explained that when she started with the Division over 5 years ago there was a Commission member that attended all of the Education Committee meetings and that has not happened in over 2 years. It helps when a member of the Commission attends meetings so that the Committee has direction from one of the Commissioners.

The Committee wants to make sure that the product they submit to the Commission, after their research, is something that will work and not find out after the fact that something is not working right with the online pre-licensing course.

Ms. Kelly is reviewing the ARELLO online pre-licensing requirements with the guidelines of the Real Estate Education Committee to make sure they don't contradict each other.

The guidelines will need to be revised which could take some time to complete.

The Real Estate Commission would like to see the Real Estate Education Committee moved up on the agenda as first after approval of Commission minutes. This way the Chairperson for the Committee does not have to wait around.

Ms. Williams stated the last thing that was discussed at the Committee meeting was the difficulty levels of basic, intermediate and advanced levels for online CE courses. Ms. Williams stated that she reached out to McKissock, one of the approved online course providers, to get test log-in for courses so the Committee members could see the different levels. Everyone's level of learning is different.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Staton made a motion, seconded by Ms. Scott, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Ms. Scott made a motion, seconded by Mr. Staton, to ratify the following applications for salespersons:

Chiara Clemens, BHHS Fox & Roach, Devon, PA
Darlene Travagline, Long & Foster, Bethany Beach, DE
Christine Kaplan, Weichert Referral Associates, Wilmington, DE
Avram Adler, Long & Foster, Bethany Beach, DE
Katie Hicken, BHHS Fox & Roach, Hockessin, DE
Lillie Lingo, Jack Lingo Realtor, Rehoboth Beach, DE
Julia Wallace, BHHS Fox & Roach, Newark, DE
Raquel Hernandez-Roque, RE/MAX Sunvest Realty Corp, Wilmington, DE
Amanda Tracy, RE/MAX Associates, Newark, DE
Victor Setting II, Long & Foster, Greenville, DE
Margaret Paquette, Jack Lingo Inc, Rehoboth Beach, DE
Jena Vaccarini, BHHS Fox & Roach, Hockessin, DE
Bradley Absher, Whitehead Real Estate Executives, Salisbury, MD
Helen Baynum, Keller Williams Realty, Newark, DE
Eric Atkins, Patterson Schwartz & Associates, Rehoboth Beach, DE
Hannah Barnes, Keller Williams, Dover, DE
Monique Allen, Key Realty, LLC, Dover, DE
Lisa Horsey, Keller Williams Realty, Lewes, DE
Russell Chandler, BHHS Fox & Roach, Newark, DE
Dwight Harrison, Long & Foster Real Estate, Bethany Beach, DE
Donna Greenspan, Patterson Schwartz Real Estate, Hockessin, DE
Sharon Dowling, BHHS Fox & Roach, Newark, DE
Emily McEvoy, RE/MAX by the Sea, Bethany Beach, DE
James Egerton, Keller Williams, Wilmington, DE
Shiloh Cornelius, Keller Williams Real Estate, Media, PA
Gerald Jester, East Coast Realty, Georgetown, DE

Mathew Misetic, Keller Williams, Christiana, DE
John Hutchinson, Long & Foster, Bethany Beach, DE
Paula Pistoia, Keller Williams Realty, Dagsboro, DE
Karla Saffos, RE/MAX 1st Choice, Middletown, DE
Charles Robino, Long & Foster, Greenville, DE
Andrea Anderson, Keller Williams Realty, Dover, DE
Stephanie Moran, BHHS Fox & Roach, Devon, PA
Thomas Juliano, Zommick McMahon Commercial, West Chester, PA
Deniene Dailey, Sunrise Real Estate, Lewes, DE
McCaulley Curran, Patterson Schwartz & Associates, Wilmington, DE
Christopher Lee, Long & Foster, Greenville, DE
Kelly Grube, Patterson Schwartz, Hockessin, DE
David Baszkowski, Olson Realty, Dover, DE

By unanimous vote, the motion carried.

Review of Salesperson Application

Ms. Kelly described the reason for the review of Mr. Charles Lax's application for Salesperson by examination and that Mr. Lax would need a waiver for licensure. Mr. Lax was present for the Commission meeting. Mr. Lax provided copies of the letter he submitted with his application. Mr. Staton made a motion, seconded by Ms. Scott, to approve the salesperson's application of Mr. Charles Lax. By unanimous vote, the motion carried.

Review of Broker and Associate Broker Application

There were no new broker or associate broker applications.

Ratification of Application for Reinstatement

Mr. Healy approved the application of Arlynn Hall for reinstatement of a Salesperson's license. Mr. Giles made a motion, seconded by Ms. Scott, to approve Mr. Hall's reinstatement application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Camille Mason for reinstatement of a Salesperson's license. Mr. Harrington made a motion, seconded by Ms. Scott, to approve Ms. Mason's reinstatement application upon successful passing of the state exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Jody Bergeron for reinstatement of a Salesperson's license. Mr. Harrington made a motion, seconded by Ms. Scott, to approve Mr. Bergeron's reinstatement application upon successful passing of the national and state exams. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of G&E Real Estate Inc., d/b/a Newmark Grubb Knight Frank for a relocation of their office. Mr. Harrington made a motion, seconded by Mr. L. Rogers, to approve the relocation of their office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-40-14 – closed by Investigator

Correspondence

Letter from Kirankumar Pathak

Mr. Pathak wrote a letter to the Commission asking for a waiver of the State and National exams requirement for reinstatement. Mr. Pathak's last renewal was in April 2010 therefore by the rules and regulations, Mr. Pathak needs to reinstate showing 36 hours of continuing education and sit for both exams. Mr. Pathak's had to take care of his mother and she passed in 2013. Mr. Pathak never let the Commission know or he could have put his license on an inactive status. Now Mr. Pathak would like to get his license back to active status. After discussion, the Commission denied granting a waiver to Mr. Pathak as there were options for him to take action with his license at the time of the hardship. Mr. Giles made a motion, seconded by Ms. Scott, to deny the requested waiver from Mr. Pathak to skip taking both exams. By unanimous vote, the motion carried.

Petition to remove probation – Stephen Paul

The Commission reviewed the request from Mr. Stephen Paul to remove the probation status. After review, the Commission found that Mr. Paul met the requirements of his consent order. Mr. Harrington made a motion, seconded by Ms. Scott, to lift the probation status of Mr. Paul as he has met the requirements in his consent order. By unanimous vote, the motion carried.

OLD BUSINESS

Review and Sign Orders from Recommendations

The orders will be signed at the October meeting.

Sikander Aasim - Broker
Carlos Bernal – Salesperson
Charles Bolig – Salesperson
Cleandre Clarke – Salesperson
David Foster – Salesperson
Robert Jester – Salesperson
Jennifer Jones – Salesperson
Margaret Lawson – Salesperson
Mr. Leslie Sax – Broker
Debra Seramone – Salesperson
Thomas Spruance - Salesperson

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. Wagner asked the Commission about a question that came into her with regards to exemptions from the Seller's Disclosure of residential properties. The question was if there was an occupied house on a working farm would that qualify for an exemption. The Commission stated that they feel that would not qualify for an exemption. This prompted questions about what the exemptions are, so the Commission asked Ms. Wagner if she would put this as a discussion item on the agenda for next month.

Ms. Newlin let the Commission know that this would be her last meeting with the Commission because she accepted a position with one of the school districts.

Ms. Kelly let the Commission know that the court would hear oral argument on the challenge to the Auctioneers' regulations on September 25, 2015.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, October 8, 2015 at 9:00 a.m.

ADJOURNMENT

Mr. Giles made a motion, seconded by Ms. Scott, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:15 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Sandra Wagner". The script is cursive and fluid.

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.

HEARING MINUTES

HEARING – PROPOSE TO DENY

The Delaware Real Estate Commission held a hearing on August 13, 2015 at 9:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Lynne Newlin, Lynn Rogers, Lynnette Scott, Andy Staton, Michael Harrington

PURPOSE: Propose to Deny

PRESIDING: Jason Giles, Vice-Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

RESPONDENT: Michael Conlon

WITNESS: J.T. Takacs, eXp Realty and Amy Conlon

TIME STARTED: 9:30 a.m.

The hearing was recorded for verbatim testimony. Ms. Kelly confirmed Mr. Michael Conlon was present for the hearing. Ms. Kelly summarized the reason for the proposed to deny hearing. The Commission members introduced themselves for the record. Ms. Kelly entered documents as Commission Exhibit 1, specifically, the application and letters. Mr. Conlon gave his testimony to the Commission. The Commission asked Mr. Conlon questions about his conviction of robbery from 2005. Mr. Conlon called Mr. Takacs as a character witness and Ms. Amy Conlon, Mr. Conlon's wife. Mr. Takacs gave his testimony and Ms. Conlon also testified. The Commission deliberated on the proposed to deny hearing. Mr. Harrington made a motion, seconded by Ms. Scott, to grant a waiver to Mr. Conlon for licensure in Delaware. By unanimous vote, the motion carried. The hearing concluded at 10:13 a.m.